



HB 1579

2003

1 A bill to be entitled

2 An act relating to autopsies; amending s. 406.135, F.S.;
3 providing for survivors of deceased persons to designate
4 agents to view or obtain autopsy records from medical
5 examiners; providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Subsection (1) of section 406.135, Florida
10 Statutes, is amended to read:

11 406.135 Autopsies; confidentiality of photographs and
12 video and audio recordings; exemption.--

13 (1) A photograph or video or audio recording of an autopsy
14 in the custody of a medical examiner is confidential and exempt
15 from the requirements of s. 119.07(1) and s. 24(a), Art. I of
16 the State Constitution, except that a surviving spouse may view
17 and copy a photograph or video or listen to or copy an audio
18 recording of the deceased spouse's autopsy. If there is no
19 surviving spouse, then the surviving parents shall have access
20 to such records. If there is no surviving spouse or parent, then
21 an adult child shall have access to such records. However, any
22 survivor may designate an agent to obtain such records. A local
23 governmental entity, or a state or federal agency, in
24 furtherance of its official duties, pursuant to a written
25 request, may view or copy a photograph or video or may listen to
26 or copy an audio recording of an autopsy, and unless otherwise
27 required in the performance of their duties, the identity of the
28 deceased shall remain confidential and exempt. The custodian of
29 the record, or his or her designee, may not permit any other
30 person, except an agent designated in writing by a survivor, to



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31 view or copy such photograph or video recording or listen to or
32 copy an audio recording without a court order. For the purposes
33 of this section, the term "medical examiner" means any district
34 medical examiner, associate medical examiner, or substitute
35 medical examiner acting pursuant to this chapter, as well as any
36 employee, deputy, or agent of a medical examiner or any other
37 person who may obtain possession of a photograph or audio or
38 video recording of an autopsy in the course of assisting a
39 medical examiner in the performance of his or her official
40 duties.

41 Section 2. This act shall take effect July 1, 2003.